

ARGUMENTS FOR ALLOWABILITY

Claims 1 and 12 have been amended to define the novel features of Applicant's invention which are clearly disclosed in Figs. 1 and 6 for the first embodiment and in Figs. 8 and 9 for the second embodiment, and described in the specification at paragraphs 26 (starting at page 5, line 12, and 38 starting at page 8, line 6), respectively.

The present invention is directed to a novel combination cell phone and cosmetic case which allows the user to position the cosmetics within the case so as to facilitate use of the cosmetics while using at the same time the cell phone. The unit is designed to enable the user to place cosmetics in the side wall of the base which is most readily accessible to her dominant hand which she uses for applying the cosmetics. The user is therefore free to hold the cell phone or the base in the non-dominant hand. The claimed arrangement allows the user to select the desired cosmetics with her dominant hand. Thus, the present invention is usable by either a right-handed or a left-handed user. This arrangement is distinguished from the portable electronic device shown in the Kazuko patent.

Contrary to the Examiner's statement, the Kazuko patent does not comprise a mobile phone unit and a separate base. The entire structure shown in the Kazuko patent is a mobile phone unit which must be kept together when in use. Applicant's claimed invention comprises a base unit and a separate mobile phone unit, as now defined in claim 1.

As shown in the drawings of the Kazuko patent, the cosmetic products are accessible only from the right-hand side of the unit. The rejected claims have been amended to define the device as including two laterally-opposed sidewalls, each with a plurality of cavities therein for receiving cosmetic products. The Japanese patent does not teach or suggest the feature of having a plurality of cavities in each of two laterally-opposed sidewalls of a separate base unit. Thus, claim 1 defines over the Kazuko patent, and claims 2-5, 10-11 and 15 define the preferred embodiments with greater specificity.

Claim 12 and the dependent claims 2-5, 9 and 13 were rejected over Kazuko in view of Carlino. The Carlino patent does not teach or suggest sidewalls for a base unit having multiple cavities as required by these claims and, thus, the Carlino patent does not cure the deficiencies of the Kazuko patent in connection with claim 12 and the rejected dependent claims. The Examiner also noted that Goldring teaches screw-threaded products. However, Goldring does not cure the deficiencies of the Kuzuko patent which requires a combination of a separate mobile phone with a base unit having laterally-opposed sidewalls with multiple

cavities on each side. The cited references do not teach the structure recited in claims 14, 15 and 16, namely a base with two of the cavities being on one side being identical to two of the cavities on the other side. The claimed construction permits the user to exchange the same cosmetic products between the cavities on the opposite sidewalls of the base. None of the references teaches or suggests the desirability of permitting the user to move the cosmetic "sticks" from one side of the base to the other. For this additional reason, claims 14-16 are believed properly patentable to Applicant.

The Examiner rejected claims 7 and 10 as being anticipated by Carlino. Claims 7 and 10 have been amended to recite the presence of a plurality of cavities in two laterally-opposed sidewalls. The Carlino patent does not teach or suggest the arrangement of claim 7, nor does it teach the arrangement of claim 10 which incorporates the multiple cavities in laterally-opposed sidewalls. The Examiner also rejected numerous claims as being unpatentable over Kazuko in view of Carlino. As discussed above, neither Kazuko nor Carlino discloses a combination of a cosmetics apparatus with laterally-opposed sidewalls, each with a plurality of cavities therein and a mobile phone unit, as now required by the claims. Accordingly, the claims all define over the Examiner's combination of Kuzuko with Carlino. Furthermore, none of the references teaches or suggests the feature of Applicant's invention which is defined in claims 14, 15 and 16. As discussed above, this feature enables a user to selectively place a cosmetic "stick" in either side of the base unit which has multiple cavities on two laterally-opposed sidewalls. For this additional reasons, claims 14-16 are believed properly patentable to Applicant.

Early and favorable reconsideration is respectfully requested.